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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BELOUSOV, ANDREY

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2174

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/699,401	Applicant(s) ALLYN ET AL.	
	Examiner Andrew Belousov	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,15,16 and 19-24 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,15,16 and 19-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

This action is responsive to the amendment filed on April 18, 2007. Claims 7, 9-14 and 17-18 are canceled. Claims 1-6, 8, 15-16 and 19-24 are pending and have been considered below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,4,6,15,16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vrobel (6,781,597) in view of Clark (5,995,101.)

Claim 1: Vrobel discloses a computer method for providing tools for manipulating an object on a display device using a pointer comprising:

- a. displaying an object on a display device (Fig. 2);
- b. determining if the object has been selected (Fig. 3A; 7:28-37);
- c. displaying a first toolset if the object has been selected, the first toolset providing a first set of handles for manipulating the object (Fig. 3A; 7:28-37);
- d. displaying a second toolset, the second toolset providing a second set of handles for manipulating the object differently from the manipulation of the first set of handles (Fig. 4A);

- e. when a first handle of the first toolset is selected, performing a manipulation on the object in accord with the first handle (Fig. 3A, 3B); and
- f. when a second handle of the second toolset is selected, performing a manipulation on the object in accord with the second handle (Fig. 4A, 4B.)

However, Vrobel does not explicitly disclose:

- g. determining if the pointer is stationary over the object; if the pointer is stationary over the object for a threshold length of time, displaying a second toolset.

Clark discloses a method for a GUI in multi-level interface control utilizing a mouse pointer hovering over a user interface element, wherein there is determination of whether the pointer is stationary over the object and if the pointer is stationary over the object for a threshold length of time, displaying a subsequent level interface (Abstract; Fig. 1-3.) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the multi-level control as taught in Clark in the object manipulation method of Vrobel. One would have been motivated to combine the multi-level control of Clark with the object manipulation method of Vrobel so as to further customize the appearance and content of the object by means that are not immediately available from initial display of an interface element, as suggested in Clark (2:5-8.)

Claim 15: Vrobel discloses a computer-readable medium having computer executable instructions for performing steps comprising:

- a. displaying a graphic on a display (Fig. 2);
- b. displaying a pointer on the display (Fig. 4B: 270);

- c. identifying a position of the graphic on the display (inherent feature, Fig. 4B: 200)
- d. identifying a position of the pointer on the display (inherent feature, Fig. 4B: 270);
- e. displaying a first toolset, the first toolset providing a first set of handles operative to perform a first type of operation on the graphic (Fig. 3A; 7:28-37);
- f. displaying a second toolset, the second toolset providing a second set of handles operative to perform a second type of operation on the graphic (Fig. 4A);
- g. when a user interacts the pointer with a first handle of the first toolset, performing the first type of operation on the graphic (Fig. 3A, 3B); and
- h. when the user interacts the pointer with a second handle of the second toolset, performing the second type of operation on the graphic (Fig. 11G-J.)

However, Vrobel does not explicitly disclose:

- i. determining if the pointer is stationary over the object; if the pointer is stationary over the object for a threshold length of time, displaying a second toolset.

Clark discloses a method for a GUI in multi-level interface control utilizing a mouse pointer hovering over a user interface element, wherein there is determination of whether the pointer is stationary over the object and if the pointer is stationary over the object for a threshold length of time, displaying a subsequent level interface (Abstract; Fig. 1-3.) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the multi-level control as taught in Clark in an object manipulation method of Vrobel. One would have been motivated to combine the multi-level control of Clark with the object manipulation method of Vrobel so as to further

customize the appearance and content of the object by means that are not immediately available from initial display of an interface element, as suggested in Clark (2:5-8.)

Claim 16: Vrobel and Clark disclose the computer-readable medium of Claim 15.

Vrobel and Clark further disclose wherein the step of displaying a first toolset further comprises; determining if the graphic changes from an unselected state to a selected state and if the graphic is in the selected state, displaying a first toolset (Fig. 3A; 7:28-37.)

Claim 19: Vrobel and Clark disclose the computer-readable medium of Claim 15, wherein the first type of operation comprises manipulating the graphic (extending the shape of the graphic: Fig. 3A, 3B) and wherein the second type of operation comprises adjusting a manipulation parameter of the graphic (changing between manipulation handles of the graphic; Fig. 11G-J.)

Claim 4: Vrobel and Clark disclose the computer method of Claim 1. Vrobel and Clark further disclose wherein the threshold length of time is a first threshold length of time and wherein the method further comprises the step of if the pointer is stationary over the object for a second threshold length of time (Clark, 2:41-63) displaying a third toolset, the third toolset providing a third set of handles for manipulating the object differently from the manipulation of the first set of handles and from the manipulation of the second set of handles (Vrobel, 8:50-9:11.)

Claim 6: Vrobel and Clark disclose the computer method of Claim 1. Vrobel further discloses wherein the first set of handles are operative to resize the object (Fig. 3A, 3B.)

3. Claims 2, 3, 5 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vrobel in view of Clark and in further view of Smith (5,721,853.)

Claim 2, 21: Vrobel and Clark disclose the computer method of Claim 1, wherein the step of displaying a second toolset comprises if the pointer is stationary over the object for a threshold length of time, displaying second toolset. However, Vrobel and Clark do not explicitly disclose maintaining accessibility of the first toolset. Smith discloses a method for implementing multiple toolsets wherein a display of a second toolset (Fig. 3C: 304) also includes maintaining prior toolset accessible (Fig. 3C: 302.) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the locking mechanism of Smith for maintaining accessibility of prior toolsets with the teachings of Vrobel and Clark. One would have been motivated to keep the prior toolset accessible, so as it would not close when the mouse pointer is moved off the object (Abstract.)

Claim 3, 22: Vrobel, Clark and Smith disclose the computer method of Claim 2. Smith further discloses wherein maintaining accessibility of the first toolset comprises

repositioning the first toolset to provide space on the display device for the second toolset (4:30-35.)

Claim 5, 23: Vrobel and Clark disclose the computer method of Claim 4. However, Vrobel and Clark do not explicitly disclose further comprising the step of if the third toolset is displayed, maintaining accessibility of the first toolset and the second toolset. Smith discloses a method for implementing multiple toolsets wherein a display of subsequent toolsets (Fig. 3D: 306) also includes maintaining prior toolsets accessible (Fig. 3D: 302, 304.) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the locking mechanism of Smith for maintaining accessibility of prior toolsets with the teachings of Vrobel and Clark. One would have been motivated to keep the prior toolsets accessible, so as it would not close when the mouse pointer is moved off the object (Abstract.)

4. Claims 8, 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vrobel in view of Clark and in further view of Isaacs (6,426,745.)

Claim 8, 20, 24: Vrobel and Clark disclose the computer method of Claim 1, but do not explicitly further disclose the steps of: displaying a rotation tool operative to rotate the object about an axis of rotation; and if the pointer is over the rotation tool, displaying an axis-of-rotation tool, operative to adjust the axis of rotation. Isaacs discloses a similar computer method with handles displayed for rotation (Fig. 17, 173, pair that are

vertically displayed) and adjustment of axis (Fig. 17, 173, pair that are horizontally displayed). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have rotation and axis of rotation type handle tools as taught by Isaacs in the method of Vrobel and Clark. One would have been motivated to allow for a more complete set of object manipulation tools, including rotation type, based on a suggestion in Isaacs (Col 7, line 28-31) and Vrobel (8:50-9:11.)

Response to Arguments

5. Applicant's arguments filed April 18, 2007 have been fully considered but they are moot in view of the new ground(s) of rejection, as necessitated by Applicant's amendment of the relevant claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Wallace et al. (5,861,889)
- b. Arvin et al. (7,110,005)
- c. Sakai (6,469,709)
- d. Mostyn (6,462,763)
- e. Lee (6,169,535)
- f. Chekerylla (6,084,598)

g. Alexander (6,054,984)

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB

June 13, 2007

Kristine Kincaid
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